

Prob 12C (7/93)

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

FILED

2024 OCT 10 PM 3:06

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY W DEPUTY

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Ivan Mendoza

Case Number: EP:21-CR-01492KC(1)

Name of Sentencing Judicial Officer: Kathleen Cardone, U.S. District Judge

Date of Original Sentence: June 2, 2022

Original Offense: Ct. 1, Assault on a Federal Officer, in violation of 18 U.S.C. § 111(a)(1), Ct. 2, Aid and Abet to Transport Aliens for Profit, in violation of 8 U.S.C. § 1324(a)(1)(A)(v)(II), 1324(a)(1)(A)(ii) and Ct. 3, Transporting Aliens for Financial Gain, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i)

Original Sentence: Twelve (12) months custody as to Count 1, Twenty-seven (27) months as to Counts 2 and 3 to run concurrently followed by one year of supervised release as to Count 1 and three (3) years of supervised release as to Counts 2 and 3 to run concurrently

Type of Supervision: Supervised Release

Date Supervision Commenced: August 9, 2023

Assistant U.S. Attorney: Stanley M. Serwatka

Defense Attorney: Felix Valenzuela

PREVIOUS COURT ACTION

On January 22, 2024, a Report on Offender Under Supervision was submitted to the Court to notify the Court that Mendoza had self-admitted to his assigned Probation Officer that he consumed alcohol and used cocaine and marijuana. It was recommended that Mendoza continue to attend treatment provisions to address his substance abuse dependency issues. On January 24, 2024, the Court concurred with this recommendation.

On March 4, 2024, a Request for Modifying the Conditions or Term of Supervision with Consent of the Offender was sent to the Court recommending that Mendoza participate in the Moral Reconciliation Therapy (MRT) program as instructed by the U.S. Probation. This program was recommended as Mendoza tested positive on a urine drug screen on February 14, 2024. On March 5, 2024, the Court concurred with this recommendation.

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PETITIONING THE COURT

- ☒ To issue a warrant
- ☐ To issue a summons

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number 1: The defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The program may include testing and examination during and after program completion to determine if the defendant has reverted to the use of drugs. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.) During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant shall pay the costs of such treatment if financially able.

Nature of Noncompliance: On December 10, 2023, Mendoza self-admitted to consuming alcohol and using cocaine and marijuana to his assigned Probation Officer. Furthermore, on February 14, 2024, and March 1, 2024, Mendoza submitted positive drug screens for cocaine. Additionally, Mendoza failed to provide urine drug screens on the following dates: December 28, 2023, January 2, 2024, January 10, 2024, February 27, 2024, March 18, 2024, June 24, 2024, and August 9, 2024. Additionally, on February 6, 2024, Mendoza provided a diluted urine drug screen.

Violation Number 2: The defendant shall not commit another federal, state or local crime during the term of supervision.

Nature of Noncompliance: According to an El Paso Police Department (EPPD) incident report dated September 29, 2024, EPPD officer were dispatched on September 26, 2024, in reference to a stabbing call. Officers were dispatched to 1800 block of George Dieter (Hospital of Providence Emergency Room). Officers met with the complainant, and he reported he was traveling westbound on Montwood as he was going to work when he stated Mendoza began to merge almost hitting his vehicle. The Complainant stated he continued to drive straight and stopped at a red light. The Complainant stated an individual later identified as Mendoza exited his vehicle and they ensued in verbal altercation. The Complainant stated Mendoza attempted to spit on him but was unsuccessful and the Complainant got in his vehicle and left the scene. The Complainant stated he began driving and observed Mendoza following him in the rear-view mirror. The Complainant stated he arrived at his place of employment and exited his vehicle and went to the back of the truck to retrieve his equipment for work. The Complainant stated he had his back towards Mendoza and Mendoza stated to him, "here you go motherfucker," and Mendoza stabbed the Complainant in the lower back. The Complainant took a photograph of Mendoza's plates. Thereafter, EPPD officers conducted an investigation

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and went to Mendoza's residence and Mendoza was subsequently arrested and charged with Aggravated Assault with a Deadly Weapon (2nd Degree Felony). On September 26, 2024, Mendoza bonded out on a \$4,000 bond. As of this writing, the disposition for this new offense remains pending.

U.S. Probation Officer Recommendation:

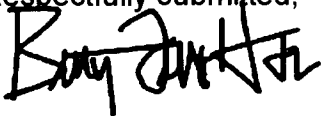
The term of supervision should be

☒ revoked.

☐ extended for _____ years, for a total term of _____ years.

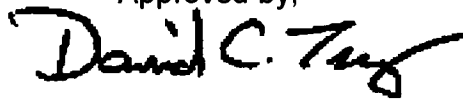
☐ modified as follows:

Respectfully submitted,



Betty Tellez-Hernandez
Senior U.S. Probation Officer
Office (915) 585-5513
Cellular (915) 861-8875

Approved by,



David C. Trejo
Supervising U.S. Probation Officer
Office (915) 585-5576
Cellular (915) 861-5576

Date: October 3, 2024

THE COURT ORDERS:

☐ No action.

☒ The issuance of a warrant.

☐ The issuance of a summons.

☐ Other



Kathleen Cardone, U.S. District Judge

October 9, 2024

Date